IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18663 of 2004

Between:

Sura Ramana Reddy, S/o.Chinna Subbareddy,
R/o.M.V.Cheruvu, B.V.Peta Mandal,
Prakasam Dist.

..... PETITIONER

AND

1 The R.D.O., Markapur, Prakasam Dist.
2 The Joint Collector, Markapur, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of Mandamus, declaring action of the 2nd respondent in not passing any orders on my stay petition pending disposal of the appeal is arbitrary illegal and consequently direct the 2nd respondent to suspend the orders of the Revenue Divisional officer vide Procs.No.L.Dis.H/1481/2004, dated 13-9-2004 in the interest of justice.

Counsel for the Petitioner : MR. P.NAGENDRA REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITON NO.18663 OF 2004

ORAL ORDER :

The petitioner is the fair price shop dealer of Madanapullala Cheruvu Village, Besthavaripeta Mandal, Prakasam District.

It is to be noted that basing on the recommendation dated 27-07-2004 of the Mandal Revenue Officer, Besthavaripet, the District Collector, Ongole, Prakasam District by order dated 28-08-2004 permitted the Revenue Divisional Officer, Markapur to bifurcate the fair price shop of M.P. Cheruvu Village and to establish a new fair price shop at Kothapaet village. In pursuance thereof, the 1st respondent – Revenue Divisional Officer, Markapur by order dated 13-09-2004 appointed one M.Chandra Sekhar Reddy as the dealer of newly created fair price shop at Kothapet village. Being aggrieved, the petitioner preferred an appeal before the 2nd respondent – Joint Collector, Markapur, Prakasam District. The grievance of the

petitioner is that the appellate authority failed to consider his request for interim stay, but merely called for the records from the Revenue Divisional Officer for disposal of the Appeal. Hence, this writ petition.

The learned Counsel for the petitioner contends that the order of bifurcation is arbitrary and illegal and therefore all further proceedings be stayed.

Since the statutory appeal is pending before the second respondent – Joint Collector, without expressing any opinion on merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. No costs.

_____

13th October, 2004.

Note:- CC in 2 days.

(B/O) gbs

To

1 The R.D.O., Markapur, Prakasam Dist.
2 The Joint Collector, Markapur, Prakasam Dist.

3.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

4.2CD copies